



28 SEP 2006

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In re Application of	:	
MITRA, et al.	:	
Application No.: 10/539,927	:	DECISION ON PETITION
PCT No.: PCT/EP03/50993	:	
Int. Filing Date: 12 December 2003	:	UNDER 37 CFR 1.181
Priority Date: 20 December 2002	:	
Attorney Docket No.: 003D.0067.U1 (US)	:	
For: CABLE CONNECTOR AND METHOD OF	:	
ASSEMBLING A CABLE TO SUCH A CABLE	:	
CONNECTOR	:	

This decision is in response to applicant's "Request For Reconsideration of Holding of Abandonment" filed 24 July 2006 in the United States Patent and Trademark Office (USPTO). The request is being treated as a petition under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 12 December 2003, applicant filed international application PCT/EP03/50993, which claimed priority of an earlier application filed 20 December 2002. The deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 20 June 2005.

On 16 June 2005, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and a First Preliminary Amendment.

On 09 March 2006, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International Application number and international filing date. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 14 July 2006, applicant was mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) informing applicant that applicant had failed to respond to the Form PCT/DO/EO/905 mailed 09 March 2006 within the time period set therein and that above-identified application was abandoned as to the United States.

On 24 July 2006, applicant filed the present petition under 37 CFR 1.181 requesting withdrawal of the abandonment arguing that a timely response to the Form PCT/DO/EO/905 had been filed.

DISCUSSION

The best evidence of what was actually received by the Office is a postcard receipt containing a specific itemization of all the items being submitted. See MPEP 503. Here, applicant has provided a copy of the date-stamped postcard receipt. The postcard identifies the application by serial number and docket number. Among the items listed on the receipt is Declaration & Power of Attorney and Petition & Fee for Extension of Time." The receipt is stamped "OIPE IAP79 JUN 30 2006 Patent & Trademark Office." Thus, it is clear that applicant filed an executed declaration of the inventors accompanied by a petition for an extension of time on 30 June 2006. Applicant has stated that the current copies provided are a true and complete copy of the papers previously filed. As such, it is proper to grant applicant's petition to withdraw the holding of abandonment at this time.

Adjustment Date: 10/04/2006 SRASHEIR 10539927
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CONCLUSION

Applicant's petition under 37 CFR 1.181 is GRANTED.

The NOTIFICATION OF ABANDONMENT mailed 14 July 2006 is hereby VACATED.

The application has an international filing date of 12 December 2003 under 35 U.S.C. 363 and will be given a date of **30 June 2006** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision namely 1) the issuance of a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) indicating the 371 date listed above.



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Adjustment Date: 10/04/2006 SRASHEIR 10539927
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